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FILED

MAY 29 2014

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

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13) CR 14-00287 PJH
14 UNITED STATES OF AMERICA,)
15) [PROPOSED] ORDER OF DETENTION
16 v.) PENDING TRIAL
17 KEVIN FUQUA,)
18 Defendant.)
19

20 Defendant Kevin Fuqua is charged with being a felon in possession of a firearm, in violation of
21 18 U.S.C. §922(g)(1).

22 The government moved for the defendant's detention pursuant to 18 U.S.C. § 3142, and
23 requested a detention hearing, as permitted by 18 U.S.C. § 3142(f). On May 28, 2014, following a
24 criminal history check on May 15, 2014, a full detention hearing on May 20, 2014, and a proffer of
25 additional possibly sureties on May 28, 2014, all pursuant to 18 U.S.C. § 3142(f), and considering the
26 Pretrial Services bail study and oral proffers of counsel as reflected on the record, and the factors set
27 forth in 18 U.S.C. § 3142(g), the Court ordered the defendant detained, finding that the government had
28 met its burden of showing by clear and convincing evidence that no condition or combination of

1 conditions in 18 U.S.C. § 3142(c) will reasonably assure the safety of any other person and the
2 community.

3 Specifically, the Court took note of the defendant's criminal history as reflected in the Pretrial
4 Services bail study and summarized by the government at the hearing, including a number of arrests and
5 convictions while defendant was on court supervision following previous convictions; defendant's
6 convictions for violent behavior, including a domestic violence felony conviction in 2009 for which
7 defendant was sentenced to two years in prison, and a battery misdemeanor in 2012; defendant's history
8 of drug use; an active restraining order lodged against the defendant through 2020; and the
9 circumstances of the defendant's arrest, during which police officers had to deploy a taser to subdue the
10 defendant. The Court found that these facts demonstrate that the defendant would be a danger to the
11 community if released. Therefore, the defendant is ordered detained as no condition or combination of
12 conditions will reasonably assure the safety of any other person and the community.

13 The defendant is committed to the custody of the Attorney General or a designated representative
14 for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or
15 serving sentences or held in custody pending appeal. 18 U.S.C. § 3142(i)(2). The defendant must be
16 afforded a reasonable opportunity to consult privately with counsel. 18 U.S.C. § 3142(i)(3). On order
17 of a court of the United States or on request of an attorney for the government, the person in charge of
18 the corrections facility must deliver the defendant to the United States Marshal for court appearances.
19 18 U.S.C. § 3142(i)(4).

20

21 IT IS SO ORDERED.

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23

24 DATED: 5/29, 2014

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Proposed Order of Detention
CR 14-00287 PJH


HON. DONNA M. RYU
United States Magistrate Judge